

## IN THE MAGISTRATE COURT OF

KANAWHA

COUNTY, WEST VIRGINIA

State of West Virginia  
v.Case No. 19-M-20M-10172☒ Misdemeanor/ ☐ FelonyMichael L. Caputo  
Defendant (full name)

XXX-XX-XX 09 / 18 / 1957

397 Satterfield Street

Social Security Number Date of Birth

Address

Driver's License / Identification Number

Rivesville, WV 26588

City, State &amp; Zip Code

Phone Number(s)

## CRIMINAL COMPLAINT

*[Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)]*

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 03 / 01 / 2019, in Kanawha County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* 61-2-9(c)

the defendant did *(state statutory language of the offense)*

Any person who unlawfully and intentionally makes physical contact with force capable of causing physical pain or injury to the person of another or unlawfully and intentionally causes physical pain or injury to another person.

I further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet. On the above date, the defendant walked toward the steps leading to the main door of the House of Delegates (HOD) Chamber, inside the State Capitol Building, Kanawha County, in Charleston, WV. The defendant was making a commotion, talking loud, and saying nasty things as he started up the steps. The defendant was observed walking

*(If this complaint involves misdemeanor assault/battery [West Virginia Code § 61-2-9] or misdemeanor domestic assault/battery [West Virginia Code § 61-2-28], check all that apply. The defendant:*

☐ is/was the victim's spouse.☐ is/was living with the victim as a spouse, parent, or guardian.☐ is/was a parent or guardian of the victim.☐ is a person who is like a spouse, parent, or guardian of the victim.☐ has a child in common with the victim.☒ has none of the above connections to the victim.

Complainant (who appears before Magistrate):

J. C. Chambers

Complainant (full name)

1900 Kanawha Boulevard East, Building 1 Room 152-A

Address

Charleston, WV 25305

City, State &amp; Zip Code

(304) 558-9911

Phone Number(s)

Division of Protective Services/Capitol Police

Office or Title, if any

Date

Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

## Finding

☐ No probable cause found☒ Probable cause found

## Issuance

☒ Summons issued☐ Warrant issued☐ Warrantless arrest

Date

Magistrate Signature

MCRRCRCO: Criminal Complaint (previously MCRCOMP)

Revision Date: 06/2012; ~~WVSCA~~ Approved: 06/06/2012; Docket Code(s): ~~MMFCF~~ / ~~MMFCF~~

Case No. 19-M201-10172

IN THE MAGISTRATE COURT OF KANAWHA COUNTY, WEST VIRGINIA

**CRIMINAL COMPLAINT (CONTINUATION PAGE)**

up to the door of the chamber and according to witnesses raised his hands, and either pushed, lit, or kicked the door, and stated open the "GD" door and nobody keeps me out. The double door entrance of the chamber had glass windows in each door and would have allowed for easy visibility into the same. The defendant pushed the chamber door into and struck the HOD Doorman, Logan Casterline, as he entered the chamber. After the incident Mr. Casterline complained of pain and sought medical attention, on site and at a local hospital. Delegate Sharon Malcolm was interviewed after the incident and stated that while she was in the chamber, as the session was starting, the defendant stepped around her and advised her to get the "F" out of his way. She stated he then took his elbow and pushed her out of his way. She stated that she was out of his way and that he had to come up behind her in order to hit her with his elbow. She stated that he was already around her and had to turn to strike her. Delegate Malcolm stated that she wasn't initially hurt, but she was sore, and later advised the Capitol Police that she had sought medical attention for pain that she had been experiencing on the right side of her chest and shoulder, which is the area the defendant struck her. Delegate Malcolm has further advised, that she has continued to experience pain, and is still under physician's care for this injury. Based on information obtained from witness statements, the complainant believes that a battery occurred on Sharon Malcolm and Logan Casterline

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v.

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MICHAEL L CAPUTO  
397 SATTERFIELD STREET  
Rivesville, WV 26588

SUMMONS TO APPEAR: CRIMINAL CASE

This court has found probable cause to believe that (as alleged in the attached complaint) the above-named defendant did allegedly commit an offense(s) in this county on or about:

01st March, 2019 previous to the issuance of this summons 1 count(s) 61-02-09(c): Battery - Making physical contact of insulting/provoking nature/causing physical harm to another  
against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to appear on the 30th day of SEPTEMBER, 2019, at 10:00 AM at Kanawha County Judicial Bldg 111 Court Street, Charleston, WV 25301 for an initial appearance (**THIS IS NOT A TRIAL**). You may be requested to enter a plea on the above charge(s) on this date. **YOU HAVE A RIGHT TO HAVE AN ATTORNEY REPRESENT YOU.**

*Your failure to appear and answer this summons will result in a warrant being issued for your arrest*

Given under my hand this 6<sup>TH</sup> day of Sept 2019  
Jesse Bailes, Magistrate

RETURN INFORMATION

Service was complete on the \_\_\_\_\_ day of \_\_\_\_\_, by delivery of a true written copy, of the summons, together with the complaint by (type or print name) \_\_\_\_\_, (job title) \_\_\_\_\_.

\_\_\_\_\_  
Signature